

1 RICHARD L. ANTOGNINI (SBN 075711)  
2 **LAW OFFICES OF RICHARD L. ANTOGNINI**  
3 819 I Street  
4 Lincoln, California 95648-1742  
5 Telephone: (916) 645-7278  
6 Facsimile: (916) 290-0539  
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8 Attorneys for Defendants and Debtors  
9 JUAN M. SEARCY and  
10 BEATRIZ SANCHEZ SEARCY

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**UNITED STATES BANKURPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**SACRAMENTO DIVISION**

IN RE:  
JUAN M. SEARCY and  
BEATRIZ SANCHEZ SEARCY

Debtor

Case No.: 10-22146

Chapter 7

ADVERSARY CASE NO:

**NOTICE OF REMOVAL OF ACTION  
PENDING IN THE SUPERIOR COURT OF  
THE STATE OF CALIFORNIA, COUNTY  
OF SAN JOAQUIN, TO THE  
BANKRUPTCY COURT UNDER 28 U.S.C. §  
1452**

FEDERAL HOME LOAN MORTGAGE  
CORPORATION, its successors and/or assigns,

Plaintiff,

v.

JUAN M. SEARCY and  
BEATRIZ SANCHEZ SEARCY, and DOES I  
through X, inclusive,

Defendants.

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**NOTICE OF REMOVAL OF STATE COURT ACTION TO BANKRUPTCY COURT**  
Adversary Case No.  
Chapter 7 Case No. 10-22146

1 TO: PLAINTIFF FEDERAL HOME LOAN MORTGAGE CORPORATION, ITS  
2 SUCCESSORS, AND/OR ASSIGNS, AND TO THE SUPERIOR COURT OF THE STATE OF  
3 CALIFORNIA, COUNTY OF SAN JOAQUIN:

4 Defendants and debtors JUAN M. SEARCY and BEATRIZ SANCHEZ SEARCY  
5 hereby remove the lawsuit entitled Federal Home Loan Mortgage Corporation, et al. v. Juan M.  
6 Searcy and Beatriz Sanchez Searcy, et al., Action No. 39-2009-00227956-CL-UD-STK (or  
7 "Federal Home Loan Mortgage Corp. v. Searcy"), including the complaint and answer to the  
8 complaint, from the Superior Court of the State of California, County of San Joaquin, 222 East  
9 Weber Avenue, Stockton, California 95202, to the United States Bankruptcy Court for the  
10 Eastern District of California, under 28 U.S.C. § 1452 (a) and FRBP 9027 (a), and hereby give  
11 notice of removal to each of the following:

12 1. Superior Court of the State of California, County of San Joaquin, 222 East Weber  
13 Avenue, Stockton, California 95202-2709; and

14 2. William L. Partridge, Jason W. Short, Pite Duncan, LLP, 4375 Jutland Drive,  
15 Suite 200, P.O. Box 17934, San Diego, California 92177-0934, counsel for plaintiff FEDERAL  
16 HOME LOAN MORTGAGE CORPORATION (or "plaintiff").

17 Removal of the action is based on the following facts:

18 1. On October 16, 2009, plaintiff filed a civil action against defendants entitled  
19 Federal Home Loan Mortgage Corporation, et al. v. Juan M. Searcy and Beatriz Sanchez Searcy,  
20 et al., San Joaquin County Superior Court Action No. 39-2009-00227956-CL-UD-STK.  
21 Defendants filed an answer on October 26, 2009.

22 2. In the Federal Home Loan Mortgage Corp. v. Searcy action, plaintiff sues  
23 defendants for unlawful detainer. It contends that it acquired title to defendants' home at a  
24  
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26 NOTICE OF REMOVAL OF STATE COURT ACTION TO BANKRUPTCY COURT  
27 Adversary Case No.  
28 Chapter 7 Case No. 10-22146

1 foreclosure sale and therefore is entitled to have a court order defendants evicted from their  
2 home. Defendants deny these allegations and contend that plaintiff was estopped from  
3 foreclosing on defendants' home and buying the home at a foreclosure sale. The allegations of  
4 the complaint and answer are fully described in Exhibit 1 to this Notice of Removal. Exhibit 1 is  
5 a complete copy of the court file in the Federal Home Loan Mortgage Corp. v. Searcy action.  
6

7       3.     The Federal Home Loan Mortgage Corp. v. Searcy action is not a proceeding  
8 before the United States Tax Court, and it is not a civil action by a governmental unit to enforce  
9 its police or regulatory power.  
10

11       4.     The Federal Home Loan Mortgage Corp. v. Searcy action was pending in the San  
12 Joaquin County Superior Court.  
13

14       5.     On January 29, 2010, defendants filed a petition for relief under Chapter 7 of the  
15 United States Bankruptcy Code in the United States Bankruptcy Court, Eastern District of  
16 California, action no. 10-22146, which is currently pending.  
17

18       6.     On May 9, 2010, defendants filed an adversary complaint against plaintiff, among  
19 other parties, action no. 10-02258-C, in the United States Bankruptcy Court, Eastern District of  
20 California, action no. 10-22146, which is currently pending. That adversary complaint alleges  
21 claims against plaintiff for promissory estoppel, fraud, negligent misrepresentation, wrongful  
22 foreclosure, violation of California's Unfair Competition Law, Business & Professions Code  
23 section 17200 et seq., and quiet title. This complaint charges that the foreclosure sale of  
24 defendants' home was unlawful and that all eviction proceedings against defendants should be  
25 enjoined.  
26

27       7.     The Federal Home Loan Mortgage Corp. v. Searcy action affects defendants'  
28 Chapter 7 action and adversary complaint in these ways. If judgment is entered for plaintiff in

1 the Federal Home Loan Mortgage Corp. v. Searcy action, the bankruptcy estate will be stripped  
2 of one its largest assets—defendants’ home. In addition, any judgment in the Federal Home  
3 Loan Mortgage Corp. v. Searcy action may bar defendants from pursuing the claims they allege  
4 in their adversary complaint. Finally, the claims asserted in the adversary complaint are part of  
5 the bankruptcy estate. Any judgment in the Federal Home Loan Mortgage Corp. v. Searcy  
6 action may prevent defendants from prosecuting those claims and will diminish the estate. Thus,  
7 the Federal Home Loan Mortgage Corp. v. Searcy action is a “core” proceeding within the  
8 meaning of 28 U.S.C. §§ 6157 and 1334.

9  
10 8. This Court has jurisdiction over the Federal Home Loan Mortgage Corp. v.  
11 Searcy action under 28 U.S.C. § 1334 (b).

12 9. Removal of the Federal Home Loan Mortgage Corp. v. Searcy action to this Court  
13 is proper under 28 U.S.C. § 1452 (a) an FRBP 9027.

14 10. Venue for the Federal Home Loan Mortgage Corp. v. Searcy action is proper in  
15 this Court under 28 U.S.C. §1452 (a), because this Court is the Bankruptcy Court in the District  
16 where the San Joaquin County Superior Court is located. The Federal Home Loan Mortgage  
17 Corp. v. Searcy action was filed in the San Joaquin County Superior Court.

18 11. Attached as Exhibit 1 is a complete copy of the court file from the San Joaquin  
19 County Superior Court in the Federal Home Loan Mortgage Corp. v. Searcy action. Exhibit 1  
20 includes:

21 Civil Case Cover Sheet, filed October 16, 2009, page 000051

22 Complaint for Unlawful Detainer and Money Damages, filed October 16, 2009, pages  
23 000043 to 000050;

24 Summons-Unlawful Detainer-Eviction, filed October 16, 2009, page 00041 to 00042;

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25 **NOTICE OF REMOVAL OF STATE COURT ACTION TO BANKRUPTCY COURT**  
26 **Adversary Case No.**  
27 **Chapter 7 Case No. 10-22146**

1 Notice-You Have Been Sued, filed October 16, 2009, pages 000039 to 000040;  
2 Answer to Complaint for Unlawful Detainer and Money Damages, filed October 26,  
3 2009, pages 000035 to 00038;  
4 Proof of Service by Mail and Proof of Service of Summons, filed February 9, 2010, pages  
5 000026 to 000034;  
6 Request for Entry of Default, filed February 9, 2010, pages 000024 to 00025;  
7 Proof of Service by Mail and Proof of Service of Summons, filed February 19, 2010,  
8 pages 000013 to pages 000018, and pages 000021 to 0000223,  
9 Request for Entry of Default, filed February 19, 2010, pages 000019 to 000020;  
10 Request to Set Case for Trial-Unlawful Detainer, filed February 19, 2010, pages 000009  
11 to 000012;  
12 Notice of Court Trial-Unlawful Detainer, filed February 23, 2010, pages 000007 to  
13 000008;  
14 Notice of Stay of Proceedings, filed March 8, 2010, pages 000002 to 000006; and  
15 Minute Order, filed March 10, 2010, page 000001.

16 Dated May 11, 2010

17 LAW OFFICES OF RICHARD L. ANTOGNINI

18  
19 By: /s/ Richard L. Antognini  
20 Richard L. Antognini  
21 Attorneys for Defendants and Debtors  
22 JUAN M. SEARCY and  
23 BEATRIZ SANCHEZ SEARCY  
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NOTICE OF REMOVAL OF STATE COURT ACTION TO BANKRUPTCY COURT  
Adversary Case No.  
Chapter 7 Case No. 10-22146

## VERIFICATION

I, Richard L. Antognini, am the attorney for defendants and debtors Juan M. Searcy and Beatriz Sanchez Searcy. I declare under penalty of perjury of the laws of the United States that the facts stated in the above Notice of Removal of State Court Action to Bankruptcy Court are true and correct. Executed on May 11, 2010 at Lincoln, California.

Richard L. Antognini  
Richard L. Antognini

1 Federal Home Loan Mortgage Corp. v. Searcy

2 **PROOF OF SERVICE**

3  
4 I am a resident of the United States and the State of California. I am employed in the  
5 County of Placer. I am over the age of 18 and not a party to the within action; my business  
6 address is 819 I Street, Lincoln, California 95648.

7 On May 11, 2010, I served the documents listed below on interested parties in this action  
8 by placing a true copy in a sealed envelope addressed as follows:

9  
10 Jason W. Short, Esq. Counsel for Plaintiff  
11 William L. Partridge, Esq.  
12 Pite Duncan, LLP  
13 P.O. Box 17934  
14 San Diego, CA 92177-0934

15  
16 Clerk of the Court  
17 Superior Court of San Joaquin County  
18 222 East Weber Avenue  
19 Stockton, California 95202-2709

20 **X VIA U.S. MAIL**

21 List of Documents Served:

22 **NOTICE OF REMOVAL OF STATE COURT ACTION TO BANKRUPTCY COURT**

23 I deposited such envelope(s) in the mail at Lincoln, California. The envelope was mailed  
24 with postage fully prepaid. I am familiar with the firm's practice of collection and processing  
25 correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal  
26 Service on the same day with postage fully prepaid at Lincoln, California, in the ordinary course  
27 of business. I am aware that on motion of the party served, service is presumed invalid if  
28 postage cancellation date or postage meter date is more than one day after date of deposit for  
mailing of affidavit.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct. Executed on May 11, 2010, at Lincoln, California.

29  
30 

31  
32 Richard L. Antognini

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33  
34 **NOTICE OF REMOVAL OF STATE COURT ACTION TO BANKRUPTCY COURT**  
35 Adversary Case No.  
36 Chapter 7 Case No. 10-22146

# **EXHIBIT 1**

## **Complete Copy of Court File in State Court Case- Federal Home Loan v. Searcy, Case No. 39- 00227956-CL-UD-STK**

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN JOAQUIN  
STOCKTON

Exh 1

MINUTE ORDER

Date: 03/10/2010

Time: 10:30:00 AM

Dept: B1

Commissioner: Erik Lundeberg

Clerk: Leti Fuentes

Reporter/ERM:

Bailiff/Court Attendant:

Case No: 39-2009-00227956-CL-UD-STK

Case Title: Federal Home Loan Mortgage vs. Searcy

Case Category: Civil - Limited

Case Type: Unlawful Detainer - Residential

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EVENT TYPE: Court Trial - Unlawful Detainer

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APPEARANCES

Brian St. James, specially appearing for Federal Home Loan Mortgage, Plaintiff.

Juan Searcy, self represented Defendant, is not present.

Beatriz Searcy, self represented Defendant, is not present.

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Court Trial - Unlawful Detainer continued to 05/12/2010 at 10:30 AM in department b1.

Plaintiff to notify Defendant of next court date.

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Date: 03/10/2010

MINUTE ORDER

Page: 1

Dept: B1

Calendar No.: 1  
000001

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Richard L. Antognini, SBN 075711</b>  <b>LAW OFFICES OF RICHARD L. ANTOGNINI</b>  <b>819 I Street, Lincoln, California 95648-1742</b>  <b>TELEPHONE NO.: (916) 645-7278 FAX NO. (Optional): (916) 290-0539</b>  <b>E-MAIL ADDRESS (Optional): rlalawyer@yahoo.com</b>  <b>ATTORNEY FOR (Name): Defendants JUAN SEARCY and BEATRIZ SEARCY</b></p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN  STREET ADDRESS: 222 East Weber Avenue  MAILING ADDRESS:  CITY AND ZIP CODE: Stockton, California 95202-2709  BRANCH NAME: Stockton Branch</p>	<p>FOR COURT USE ONLY  <b>2010 MAR -8 PM 3:53</b>  <b>ROSA JUNCUEIRO, CLERK</b>  <b>BY: [Signature]</b>  <b>DEPUTY</b></p>
<p>PLAINTIFF/PETITIONER: Federal Home Loan Mortgage Corporation  DEFENDANT/RESPONDENT: Juan Searcy and Beatriz Searcy</p>	<p>CASE NUMBER:  <b>39-2009-00227956-CL-UD-STK</b>  JUDGE:  DEPT.:</p>
<p><b>NOTICE OF STAY OF PROCEEDINGS</b></p>	

**To the court and to all parties:**

1. Declarant (name): **Richard L. Antognini**

a.  is  the party  the attorney for the party who requested or caused the stay.  
b.  is  the plaintiff or petitioner  the attorney for the plaintiff or petitioner. The party who requested the stay has not appeared in this case or is not subject to the jurisdiction of this court.

2. This case is stayed as follows:

a.  With regard to all parties.  
b.  With regard to the following parties (specify by name and party designation):

3. Reason for the stay:

a.  Automatic stay caused by a filing in another court. (Attach a copy of the Notice of Commencement of Case, the bankruptcy petition, or other document showing that the stay is in effect, and showing the court, case number, debtor, and petitioners.)  
b.  Order of a federal court or of a higher California court. (Attach a copy of the court order.)  
c.  Contractual arbitration under Code of Civil Procedure section 1281.4. (Attach a copy of the order directing arbitration.)  
d.  Arbitration of attorney fees and costs under Business and Professions Code section 6201. (Attach a copy of the client's request for arbitration showing filing and service.)  
e.  Other:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 5, 2010

Richard L. Antognini

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE)

United States Bankruptcy Court  
Eastern District of California

## Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): <b>Searcy, Juan M. Sr.</b>		Name of Joint Debtor (Spouse) (Last, First, Middle): <b>Searcy, Beatriz Sanchez</b>							
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):							
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) <b>xxx-xx-3940</b>		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) <b>xxx-xx-5271</b>							
Street Address of Debtor (No. and Street, City, and State): <b>333 Franciscan Avenue Stockton, CA</b>		Street Address of Joint Debtor (No. and Street, City, and State): <b>333 Franciscan Avenue Stockton, CA</b>							
ZIP Code <b>95210</b>		ZIP Code <b>95210</b>							
County of Residence or of the Principal Place of Business: <b>San Joaquin</b>		County of Residence or of the Principal Place of Business: <b>San Joaquin</b>							
Mailing Address of Debtor (if different from street address):		Mailing Address of Joint Debtor (if different from street address):							
ZIP Code		ZIP Code							
Location of Principal Assets of Business Debtor (if different from street address above):									
Type of Debtor (Form of Organization) (Check one box)	Nature of Business (Check one box)	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)							
		<input checked="" type="checkbox"/> Chapter 7	<input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding						
<input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i>	<input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)	<input type="checkbox"/> Chapter 9	<input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding						
<input type="checkbox"/> Corporation (includes LLC and LLP)	<input type="checkbox"/> Railroad	<input type="checkbox"/> Chapter 11							
<input type="checkbox"/> Partnership	<input type="checkbox"/> Stockbroker	<input type="checkbox"/> Chapter 12							
<input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	<input type="checkbox"/> Commodity Broker	<input type="checkbox"/> Chapter 13							
	<input type="checkbox"/> Clearing Bank	Nature of Debts (Check one box)							
	<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."	<input type="checkbox"/> Debts are primarily business debts.						
Filing Fee (Check one box)		Check one box: <b>Chapter 11 Debtors</b>							
<input checked="" type="checkbox"/> Full Filing Fee attached		<input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).							
<input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.		<input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).							
<input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.							
Statistical/Administrative Information		Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).							
<input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY							
<input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.									
Estimated Number of Creditors									
1- 49	50- 99	100- 199	200- 999	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000
Estimated Assets									
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$100 million	\$100,000,001 to \$1 billion	\$1,000,000,001 to \$10 billion	\$100,000,000,001 to \$1 billion	More than \$1 billion
Estimated Liabilities									
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$100 million	\$100,000,001 to \$1 billion	\$1,000,000,001 to \$10 billion	\$100,000,000,001 to \$1 billion	More than \$1 billion

2010-22146  
FILED  
January 29, 2010  
2:18 PM  
RELIEF ORDERED  
CLERK, U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA



<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): <b>Searcy, Juan M. Sr.</b> <b>Searcy, Beatriz Sanchez</b>	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)			
Location Where Filed: - <b>None</b> -	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: - <b>None</b> -	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
<b>Exhibit A</b>  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)		<b>Exhibit B</b>  (To be completed if debtor is an individual whose debts are primarily consumer debts.)  I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).	
<input type="checkbox"/> Exhibit A is attached and made a part of this petition.		<b>X</b> <u>Is/ Charles L. Hastings</u> <u>January 28, 2010</u> Signature of Attorney for Debtor(s) (Date) <b>Charles L. Hastings 88599</b>	
<b>Exhibit C</b>  Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?  <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
<b>Exhibit D</b>  (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)  <input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.  If this is a joint petition: <input checked="" type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
<b>Information Regarding the Debtor - Venue</b> (Check any applicable box)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
<b>Certification by a Debtor Who Resides as a Tenant of Residential Property</b> (Check all applicable boxes)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)  (Name of landlord that obtained judgment)  (Address of landlord)			
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

**Voluntary Petition***(This page must be completed and filed in every case)***Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.  
 [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.  
 [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X** /s/ Juan M. Searcy, Sr.

Signature of Debtor Juan M. Searcy, Sr.

**X** /s/ Beatriz Sanchez Searcy

Signature of Joint Debtor Beatriz Sanchez Searcy

Telephone Number (If not represented by attorney)

January 29, 2010

Date

**Signature of Attorney\*****X** /s/ Charles L. Hastings

Signature of Attorney for Debtor(s)

Charles L. Hastings 88599

Printed Name of Attorney for Debtor(s)

Law Offices of Charles L. Hastings

Firm Name

4568 Feather River Drive

Suite A

Stockton, CA 95219

Address

**(209) 478-1010 Fax: (209) 952-7854**

Telephone Number

January 29, 2010

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X**

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Name of Debtor(s):  
 Searcy, Juan M. Sr.  
 Searcy, Beatriz Sanchez

**Signatures****Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

**X**

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

**X**

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

000005

1 Federal Home Loan Mortgage Corp. v. Searcy  
2 Case No. 39-2009-00227956-CL-UD-STK

3 **PROOF OF SERVICE**  
4 [CCP Section 1013(a); 2015.5]

5 I am a resident of the United States and the State of California. I am employed in the  
6 County of Placer. I am over the age of 18 and not a party to the within action; my business  
7 address is 819 I Street, Lincoln, California 95648.

8 On March 6, 2010, I served the documents listed below on interested parties in this action  
9 by placing a true copy in a sealed envelope addressed as follows:

10 Jason W. Short, Esq. Counsel for Plaintiff  
11 William L. Partridge, Esq.  
12 Pite Duncan, LLP  
13 P.O. Box 17934  
14 San Diego, CA 92177-0934

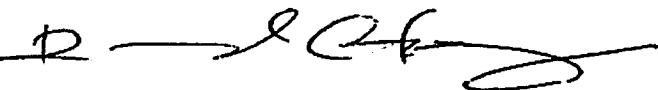
15 **X VIA U.S. MAIL**

16 List of Documents Served:

17 **NOTICE OF STAY OF PROCEEDINGS**

18 I deposited such envelope(s) in the mail at Lincoln, California. The envelope was mailed  
19 with postage fully prepaid. I am familiar with the firm's practice of collection and processing  
20 correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal  
21 Service on the same day with postage fully prepaid at Lincoln, California, in the ordinary course  
22 of business. I am aware that on motion of the party served, service is presumed invalid if  
23 postage cancellation date or postage meter date is more than one day after date of deposit for  
24 mailing of affidavit. (CCP §§ 1012, 1013 and 1013(a)).

25 I declare under penalty of perjury under the laws of the State of California that the  
26 foregoing is true and correct. Executed on March 6, 2010, at Lincoln, California.

27 

28 

---

Richard L. Antognini

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN</b> STREET ADDRESS: 222 E Weber Avenue MAILING ADDRESS: 222 E Weber Avenue CITY AND ZIP CODE: Stockton, CA 95202 BRANCH NAME: Stockton	<b>FOR COURT USE ONLY</b> <b>SAN JOAQUIN SUPERIOR COURT</b> <b>FILED</b> <b>ROSA JUNQUEIRO, CLERK</b> <b>BY <i>Lorna A. Guerrero</i></b> <b>DEPUTY</b>
<b>PLAINTIFF/ PETITIONER:</b> Federal Home Loan Mortgage <b>DEFENDANT/ RESPONDENT:</b> Juan M Searcy et.al.	
Federal Home Loan Mortgage vs. Searcy	
In re the <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Estate <input type="checkbox"/> Trust of:	02/23/2010
<b>NOTICE OF COURT TRIAL - UNLAWFUL DETAINER</b>	<b>CASE NUMBER:</b> 39-2009-00227956-CL-UD-STK

Please take notice that a Court Trial - Unlawful Detainer has been scheduled on 03/10/2010 at 10:30 AM in Department B1 of this court, located at Stockton at 222 E Weber Avenue Stockton, CA 95202.  
 In the event that a jury will be requested, jury fees in the sum of \$150.00 must be posted 5 days prior to trial or jury is waived.

Contact the court immediately if court reporter is desired.

**Please Note:** It shall be the duty of counsel to inform the court of any case which has been settled.

CLERK OF THE COURT,

Dated: 02/23/2010

By: *Lorna A. Guerrero*, Lorna Guerrero, Clerk

SHORT TITLE: Federal Home Loan Mortgage vs. Searcy

CASE NUMBER:  
39-2009-00227956-CL-UD-STK

## CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause. I certify that a true copy of the attached was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at Stockton, California, on 02/23/2010.

Clerk of the Court, by: Laura A. Guerrero, DeputyJASON W SHORT  
4375 JUTLAND DRIVE # 200  
SAN DIEGO, CA 92117Law Offices of  
Richard L Antoncagnini  
819 "I" Street  
Lincoln, CA 95648

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY
WILLIAM L. PARTRIDGE, SBN 260166 JASON W. SHORT, SBN 263667 PITE DUNCAN, LLP 4375 Jutland Drive, Suite 200 P.O. Box 17934, San Diego, CA 92177-0934		FILED FEB 19 PM 2:07 RECEIVED ROSS J. MUELENBRO, CLERK BY DEPUTY
TELEPHONE NO (858) 750-7600 EMAIL ADDRESS (Optional) ATTORNEY FOR (Name) Federal Home Loan		FAX NO. (Optional) (619) 590-1385
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN</b> STREET ADDRESS: 222 East Weber Avenue MAILING ADDRESS: Stockton, CA 95202-2709 CITY AND ZIP CODE: BRANCH NAME: County of San Joaquin - Stockton Branch		
PLAINTIFF: Federal Home Loan		
DEFENDANT: Juan M. Searcy, Beatriz S. Searcy, et al.		
<input checked="" type="checkbox"/> REQUEST <input type="checkbox"/> COUNTER-REQUEST TO SET CASE FOR TRIAL – UNLAWFUL DETAINER <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		CASE NUMBER: 39-2009-00227956-CL-UD-STK

1.  Plaintiff's request. I represent to the court that all parties have been served with process and have appeared or have had a default or dismissal entered against them. I request that this case be set for trial.
2. Trial preference. The premises concerning this case are located at (street address, apartment number, city, zip code, and county):  
333 Franciscan Avenue, Stockton, CA 95210, County of San Joaquin
  - a.  To the best of my knowledge, the right to possession of the premises is still in issue. This case is entitled to legal preference under Code of Civil Procedure section 1179a.
  - b.  To the best of my knowledge, the right to possession of the premises is no longer in issue. No defendant or other person is in possession of the premises.
3. Jury or nonjury trial. I request  a jury trial  a nonjury trial.
4. Estimated length of trial. I estimate that the trial will take (check one):
  - a.  days (specify number):
  - b.  hours (specify if estimated trial is less than one day):  $\frac{1}{2}$  hour
5. Trial date. I am not available on the following dates (specify dates and reasons for unavailability):

**UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400-6415)**

6. (Complete in all cases.) An unlawful detainer assistant  did not  did for compensation give advice or assistance with this form. (If declarant has received any help or advice for pay from an unlawful detainer assistant, complete a-f.)
  - a. Assistant's name:
  - b. Street address, city, and zip code:
  - c. Telephone no.:
  - d. County of registration:
  - e. Registration no.:
  - f. Expires on (date):

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.  
Date: February 11, 2010

JASON W. SHORT, SBN 263667  
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- An unlawful detainer case must be set for trial on a date not later than 20 days after the first request to set the case for trial is made (Code Civ. Proc., § 1170.5(a)).
- If a jury is requested, \$150 must be deposited with the court 5 days before trial (Code Civ. Proc., § 631).
- Court reporter and interpreter services vary. Check with the court for availability of services and fees charged.
- If you cannot pay the court fees and costs, you may apply for a fee waiver. Ask the court clerk for a fee waiver form.

PLAINTIFF: Federal Home Loan	CASE NUMBER: 39-2009-00227956-CL-UD-STK
DEFENDANT: Juan M. Searcy, Beatriz S. Searcy, et al.	

## PROOF OF SERVICE BY MAIL

**Instructions:** After having the parties served by mail with the Request/Counter-Request to Set Case for Trial—Unlawful Detainer, (form UD-150), have the person who mailed the form UD-150 complete this Proof of Service by Mail. An *unsigned* copy of the Proof of Service by Mail should be completed and served with form UD-150. Give the Request/Counter-Request to Set Case for Trial—Unlawful Detainer (form UD-150) and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

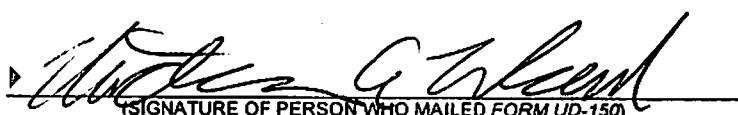
1. I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is (specify):  
4375 Jutland Drive, Suite 200, P.O. Box 17934, San Diego, CA 92177-0934
3. I served the Request/Counter-Request to Set Case for Trial—Unlawful Detainer (form UD-150) by enclosing a copy in an envelope addressed to each person whose name and address are shown below AND
  - a.  depositing the sealed envelope in the United States mail on the date and at the place shown in item 3c with the postage fully prepaid.
  - b.  placing the envelope for collection and mailing on the date and at the place shown in item 3c following ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- c. (1) Date mailed: February 11, 2010
- (2) Place mailed (city and state): San Diego, California

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Date: February 11, 2010

Victoria Wood

(TYPE OR PRINT NAME)

  
(SIGNATURE OF PERSON WHO MAILED FORM UD-150)

## NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	<u>Name</u>	<u>Address (number, street, city, and zip code)</u>
4.	All Unknown Occupants in Care of Juan M. Searcy, Beatriz S. Searcy	333 Franciscan Avenue Stockton, CA 95210
5.	Juan M. Searcy	333 Franciscan Avenue Stockton, CA 95210
6.	Beatriz S. Searcy	333 Franciscan Avenue Stockton, CA 95210
7.	Richard L. Angtognini	Law Offices of Richard L. Angtognini 819 I Street Lincoln, CA 95648-1742
8.		
9.		

List of names and addresses continued on a separate attachment or form MC-025, titled Attachment to Proof of Service by Mail.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
WILLIAM L. PARTRIDGE, SBN 260166 JASON W. SHORT, SBN 263667 PITE DUNCAN, LLP 4375 Jutland Drive, Suite 200 P.O. Box 17934, San Diego, CA 92177-0934		
TELEPHONE NO.: (858) 750-7600		FAX NO. (Optional): (619) 590-1385
EMAIL ADDRESS (Optional):		
ATTORNEY FOR (Name): Federal Home Loan		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN		
STREET ADDRESS: 222 East Weber Avenue MAILING ADDRESS: Stockton, CA 95202-2709 CITY AND ZIP CODE:		
BRANCH NAME: County of San Joaquin - Stockton Branch		
PLAINTIFF: Federal Home Loan		
DEFENDANT: Juan M. Searcy, Beatriz S. Searcy, et al.		
<input checked="" type="checkbox"/> REQUEST <input type="checkbox"/> COUNTER-REQUEST TO SET CASE FOR TRIAL – UNLAWFUL DETAINER <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		CASE NUMBER: 39-2009-00227956-CL-UD-STK

- Plaintiff's request. I represent to the court that all parties have been served with process and have appeared or have had a default or dismissal entered against them. I request that this case be set for trial.
- Trial preference. The premises concerning this case are located at (street address, apartment number, city, zip code, and county):  
333 Franciscan Avenue, Stockton, CA 95210, County of San Joaquin
  - To the best of my knowledge, the right to possession of the premises is still in issue. This case is entitled to legal preference under Code of Civil Procedure section 1179a.
  - To the best of my knowledge, the right to possession of the premises is no longer in issue. No defendant or other person is in possession of the premises.
- Jury or nonjury trial. I request  a jury trial  a nonjury trial.
- Estimated length of trial. I estimate that the trial will take (check one):
  - days (specify number):
  - hours (specify if estimated trial is less than one day):  $\frac{1}{2}$  hour
- Trial date. I am not available on the following dates (specify dates and reasons for unavailability):

## UNLAWFUL DETAINER ASSISTANT (Bus. &amp; Prof. Code, §§ 6400-6415)

- (Complete in all cases.) An unlawful detainer assistant  did not  did for compensation give advice or assistance with this form. (If declarant has received any help or advice for pay from an unlawful detainer assistant, complete a-f.)

a. Assistant's name:

b. Street address, city, and zip code:

c. Telephone no.:

d. County of registration:

e. Registration no.:

f. Expires on (date):

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.  
Date: February 11, 2010

JASON W. SHORT, SBN 263667

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- An unlawful detainer case must be set for trial on a date not later than 20 days after the first request to set the case for trial is made (Code Civ. Proc., § 1170.5(a)).
- If a jury is requested, \$150 must be deposited with the court 5 days before trial (Code Civ. Proc., § 631).
- Court reporter and interpreter services vary. Check with the court for availability of services and fees charged.
- If you cannot pay the court fees and costs, you may apply for a fee waiver. Ask the court clerk for a fee waiver form.

PLAINTIFF: Federal Home Loan	CASE NUMBER: 39-2009-00227956-CL-UD-STK
DEFENDANT: Juan M. Searcy, Beatriz S. Searcy, et al.	

## PROOF OF SERVICE BY MAIL

**Instructions:** After having the parties served by mail with the Request/Counter-Request to Set Case for Trial—Unlawful Detainer, (form UD-150), have the person who mailed the form UD-150 complete this Proof of Service by Mail. An unsigned copy of the Proof of Service by Mail should be completed and served with form UD-150. Give the Request/Counter-Request to Set Case for Trial—Unlawful Detainer (form UD-150) and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

1. I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is (specify):  
4375 Jutland Drive, Suite 200, P.O. Box 17934, San Diego, CA 92177-0934
3. I served the Request/Counter-Request to Set Case for Trial—Unlawful Detainer (form UD-150) by enclosing a copy in an envelope addressed to each person whose name and address are shown below AND
  - a.  depositing the sealed envelope in the United States mail on the date and at the place shown in item 3c with the postage fully prepaid.
  - b.  placing the envelope for collection and mailing on the date and at the place shown in item 3c following ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- c. (1) Date mailed: February 11, 2010
- (2) Place mailed (city and state): San Diego, California

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Date: February 11, 2010

Victoria Wood

(TYPE OR PRINT NAME)

  
(SIGNATURE OF PERSON WHO MAILED FORM UD-150)

## NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	Name	Address (number, street, city, and zip code)
4.	All Unknown Occupants in Care of Juan M. Searcy, Beatriz S. Searcy	333 Franciscan Avenue Stockton, CA 95210
5.	Juan M. Searcy	333 Franciscan Avenue Stockton, CA 95210
6.	Beatriz S. Searcy	333 Franciscan Avenue Stockton, CA 95210
7.	Richard L. Angtognini	Law Offices of Richard L. Angtognini 819 I Street Lincoln, CA 95648-1742
8.		
9.		

List of names and addresses continued on a separate attachment or form MC-025, titled Attachment to Proof of Service by Mail.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

• William L. Partridge  
 PITE DUNCAN, LLP  
 4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934  
 SAN DIEGO, CA 92177

TELEPHONE NO.: (858) 750-7600  
 E-MAIL ADDRESS (Optional):  
 ATTORNEY FOR (Name): Plaintiff -

SBN: 2601

FAX NO. (Optional): (619) 590-1385

FOR COURT USE ONLY

Exh 1

FILED

10 FEB 19 PM 2:07 *Se*

ROSA JUNQUEIRO CLERK

*Rosa*  
Deputy

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS:

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

PLAINTIFF/PETITIONER: FEDERAL HOME LOAN

DEFENDANT/RESPONDENT: SEARCY

## PROOF OF SERVICE OF SUMMONS

CASE NUMBER:

39-2009-00227956-CL-UD-STK

Ref. No. or File No.:

000028-002518

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a.  summons
- b.  complaint
- c.  Alternative Dispute Resolution (ADR) package
- d.  Civil Case Cover Sheet (*served in complex cases only*)
- e.  cross-complaint
- f.  other (*specify documents*): CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

3. a. Party served (*specify name of party as shown on documents served*):

BEATRIZ S. SEARCY

b.  Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (*specify name and relationship of party named in item 3a*):

4. Address where the party was served: 333 FRANCISCAN AVENUE  
 STOCKTON, CA 95210

5. I served the party (*check proper box*)

a.  by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (*date*): (2) at (*time*):

b.  by substituted service. On (*date*): 10/20/2009 at (*time*): 05:41 pm I left the documents listed in item 2 with or in the presence of (*name and title or relationship to person indicated in item 3b*):  
 JUAN M. SEARCY, CO-TENANT

- (1)  (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2)  (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3)  (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (*date*): from (*city*): or  a declaration of mailing is attached.
- (5)  I attach a declaration of diligence stating actions taken first to attempt personal service.

ORIGINAL

c.  by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date):

(2) from (city):

(3)  with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)(4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)d.  by other means (specify means of service and authorizing code section): Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a.  as an individual defendant.b.  as the person sued under the fictitious name of (specify):c.  as occupant.d.  On behalf of (specify):

under the following Code of Civil Procedure section:

416.10 (corporation)  
 416.20 (defunct corporation)  
 416.30 (joint stock company/association)  
 416.40 (association or partnership)  
 416.50 (public entity)

415.95 (business organization, form unknown)  
 416.60 (minor)  
 416.70 (ward or conservatee)  
 416.90 (authorized person)  
 415.46 (occupant)  
 other:

7. Person who served papers

a. Name: SANDRA M. MACIAS

b. Address: 3500 Fifth Ave. San Diego, CA 92103

c. Telephone number: (619) 299-2012

d. The fee for service was: \$ 57.50

e. I am:

(1)  not a registered California process server.  
(2)  exempt from registration under Business and Professions Code section 22350(b).  
(3)  registered California process server:  
(I)  owner  employee  Independent contractor.  
(II) Registration No.: 118  
(III) County: MERCED

8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10/22/2009

Advanced Attorney Services, Inc.

3500 Fifth Ave.

San Diego, CA 92103

(619) 299-2012

SANDRA M. MACIAS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

ORIGINAL

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

• William L. Partridge  
PITE DUNCAN, LLP  
4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934  
SAN DIEGO, CA 92177  
TELEPHONE NO: (858) 750-7600

E-MAIL ADDRESS (Optional):  
ATTORNEY FOR (Name): Plaintiff -

SBN: 2601

FAX NO.: (619) 590-1385

FOR COURT USE ONLY

Exh 1

FILED

10 FEB 19 PM 2:07 *le*

ROSA JONQUILLO, CLERK

BY

DEPUTY

*R. S. Macias*

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

PLAINTIFF/PETITIONER: FEDERAL HOME LOAN

DEFENDANT/RESPONDENT: SEARCY

**DECLARATION OF DILIGENCE**

CASE NUMBER:  
39-2009-00227956-CL-UD-STK

I received the within assignment for filing and/or service on October 14, 2009 and that after due and diligent effort I have been able to serve said person. The following itemization includes, but is not limited to, the date(s) and time(s) service was attempted on this servee.

Servee: BEATRIZ S. SEARCY

Documents: CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

Address: 333 FRANCISCAN AVENUE  
STOCKTON, CA 95210

As enumerated below:

10/17/2009 -- 07:59 am  
No answer at door.

10/18/2009 -- 05:55 pm  
No answer at door.

10/19/2009 -- 08:25 pm  
No answer at door.

10/20/2009 -- 05:41 pm  
Substituted Service. Recipient instructed to deliver documents to named party.

County: MERCED  
Registration No.: 118  
Advanced Attorney Services, Inc.  
3500 Fifth Ave.  
San Diego, CA 92103  
(619) 299-2012

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 12, 2010 at San Diego, California.

ORIGINAL

Signature: \_\_\_\_\_

*Sandra M. Macias*

William L. Partridge

PITE DUNCAN, LLP

4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934

SAN DIEGO, CA 92177

TELEPHONE NO.: (858) 750-7800

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiff -

SBN: 260

FOR COURT USE ONLY

Exh 1

FILED

10 FEB 19 PM 2:07

ROSA BURGOS CLERK

BY DEPUTY

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS:

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

PLAINTIFF/PETITIONER: FEDERAL HOME LOAN

DEFENDANT/RESPONDENT: SEARCY

PROOF OF SERVICE BY MAIL

CASE NUMBER:

39-2009-00227956-CL-UD-STK

I am a citizen of the United States and employed in the County of MERCED, State of California. I am over the age of 18 and not a party to this action. My business address is 3500 Fifth Ave., San Diego, CA 92103.

On October 21, 2009, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

**CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION**

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at SAN DIEGO, California, addressed as follows:

BEATRIZ S. SEARCY  
333 FRANCISCAN AVENUE  
STOCKTON, CA 95210

I am readily familiar with the firm's practice for collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

Fee for Service: 57.50

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on October 21, 2009.

Signature: 

RICH MERICLE

ORIGINAL

PROOF OF SERVICE BY MAIL

000016  
Order#: 282518U2/GProof5

PEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

Niam L. Partridge

TE DUNCAN, LLP

4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934

SAN DIEGO, CA 92177

TELEPHONE NO.: (858) 750-7600

FAX NO. (Optional): (619) 590-1385

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiff -

SBN: 2601

FOR COURT USE ONLY

Exh 1

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS:

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

FILED

0 FEB 19 PM 2:07

ROSA LUNA, CLERK

By

CASE NUMBER

39-2009-00227958-CL-UD-STK

PLAINTIFF/PETITIONER: FEDERAL HOME LOAN

DEFENDANT/RESPONDENT: SEARCY

## PROOF OF SERVICE OF SUMMONS

Ref. No. or File No.:  
000028-002518

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a.  summons
- b.  complaint
- c.  Alternative Dispute Resolution (ADR) package
- d.  Civil Case Cover Sheet (served in complex cases only)
- e.  cross-complaint
- f.  other (specify documents): CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

3. a. Party served (specify name of party as shown on documents served):

JUAN M. SEARCY

b.  Person (other than the party in Item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship of party named in item 3a):4. Address where the party was served: 333 FRANCISCAN AVENUE  
STOCKTON, CA 95210

5. I served the party (check proper box)

- a.  by personal service. I personally delivered the documents listed in Item 2 to the party or person authorized to receive service of process for the party (1) on (date): 10/20/2009 (2) at (time): 05:41 pm
- b.  by substituted service. On (date): at (time): I left the documents listed in Item 2 with or in the presence of (name and title or relationship to person indicated in Item 3b):

- (1)  (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2)  (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3)  (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city):  or  a declaration of mailing is attached.
- (5)  I attach a declaration of diligence stating actions taken first to attempt personal service.

ORIGINAL

Page 1 of 2

c.  by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date):

(2) from (city):

(3)  with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)

(4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d.  by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a.  as an individual defendant.
- b.  as the person sued under the fictitious name of (specify):
- c.  as occupant.
- d.  On behalf of (specify):

under the following Code of Civil Procedure section:

- 416.10 (corporation)
- 416.20 (defunct corporation)
- 416.30 (joint stock company/association)
- 416.40 (association or partnership)
- 416.50 (public entity)

- 415.95 (business organization, form unknown)
- 416.60 (minor)
- 416.70 (ward or conservatee)
- 416.90 (authorized person)
- 415.46 (occupant)
- other:

7. Person who served papers

- a. Name: **SANDRA M. MACIAS**
- b. Address: **3500 Fifth Ave. San Diego, CA 92103**
- c. Telephone number: **(619) 299-2012**
- d. The fee for service was: **\$ 187.45**
- e. I am:

- (1)  not a registered California process server.
- (2)  exempt from registration under Business and Professions Code section 22350(b).
- (3)  registered California process server:
  - (i)  owner  employee  independent contractor.
  - (ii) Registration No.: **118**
  - (iii) County: **MERCED**

8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **10/22/2009**

**Advanced Attorney Services, Inc.**  
**3500 Fifth Ave.**  
**San Diego, CA 92103**  
**(619) 299-2012**

**SANDRA M. MACIAS**

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

  
**ORIGINAL**

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY
WILLIAM L. PARTRIDGE, SBN 260166 JASON W. SHORT, SBN 263667 PITE DUNCAN, LLP 4375 Jutland Drive, Suite 200 P.O. Box 17934, San Diego, CA 92177-0934 TELEPHONE NO (858) 750-7600 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): Federal Home Loan		FILED 16 FEB 19 PM 2:07 OSA DEPT CLERK BY <i>[Signature]</i> DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN		
STREET ADDRESS: 222 East Weber Avenue MAILING ADDRESS: Stockton, CA 95202-2709 CITY AND ZIP CODE: BRANCH NAME: County of San Joaquin - Stockton Branch		
PLAINTIFF/PETITIONER: Federal Home Loan  DEFENDANT/RESPONDENT: Juan M. Searcy, Beatriz S. Searcy, et al.		
REQUEST FOR (Application) <input checked="" type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment <input type="checkbox"/> Court Judgment		CASE NUMBER: 39-2009-00227956-CL-UD-STK

## 1. TO THE CLERK: On the complaint or cross-complaint filed

a. on (date): October 16, 2009  
b. by (name): Federal Home Loan Mortgage Corporation, its successors and/or assigns

c.  Enter default of defendant (names): All Unknown Occupants In Care of Juan M. Searcy, Beatriz S. Searcy

d.  I request a court judgment under code of Civil Procedure sections 585(b), 585 (c), 989, etc., against defendant (names):

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)

e.  Enter clerk's judgment

(1)  for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)  
 Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.

(2)  under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., §585.5 on the reverse (item 5).)

(3)  for default previously entered on (date):

## 2. Judgment to be entered.

	Amount	Credits acknowledged	Balance
a. Demand of complaint .....	\$ 0.00	\$ 0.00	\$ 0.00
b. Statement of damages *			
(1) Special .....	\$ 0.00	\$ 0.00	\$ 0.00
(2) General.....	\$ 0.00	\$ 0.00	\$ 0.00
c. Interest.....	\$ 0.00	\$ 0.00	\$ 0.00
d. Costs (see reverse) .....	\$ 0.00	\$ 0.00	\$ 0.00
e. Attorney fees .....	\$ 0.00	\$ 0.00	\$ 0.00
f. TOTALS.....	\$ 0.00	\$ 0.00	\$ 0.00

g. Daily damages were demanded in complaint at the rate of: \$ 30.00

per day beginning (date): October 13, 2009

(\* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

3.  (Check if filed in an unlawful detainer case) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).

Date: February 11, 2010

JASON W. SHORT, SBN 263667  
(TYPE OR PRINT NAME)

*[Signature]*  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

FOR COURT USE ONLY		(1) <input type="checkbox"/> Default entered as requested on (date): <i>16 FEB 19</i> (2) <input checked="" type="checkbox"/> Default not entered as requested (state reason): <i>all tenants and other occupants of the premises</i> <i>by [Signature]</i> <i>[Signature]</i> , Deputy
(CCP 415.46)		

PLAINTIFF:	Federal Home Loan	CASE NUMBER: 39-2009-00227956-CL-UD-STK
DEFENDANT:	Juan M. Searcy, Beatriz S. Searcy, et al.	

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant  did  did not for compensation give advice or assistance with this form.  
(If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state)

a. Assistant's name: \_\_\_\_\_  
 b. Street address, city, and zip code: \_\_\_\_\_  
 c. Telephone no.: \_\_\_\_\_  
 d. County of registration: \_\_\_\_\_  
 e. Registration no.: \_\_\_\_\_  
 f. Expires on (date): \_\_\_\_\_

5.  **Declaration under Code of Civil Procedure Section 585.5 (required for entry of default under Code Civ. Proc., §585(a)).**

This action

a.  is  is not on a contract or installment sale for goods and services subject to Civ. Code, § 1801 et seq. (Unruh Act).  
 b.  is  is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).  
 c.  is  is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

a.  not mailed to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names):

b.  mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:

(1) Mailed on (date): February 11, 2010

(2) To (specify names and address shown on the envelopes):

Juan M. Searcy  
333 Franciscan Avenue  
Stockton, CA 95210

All Unknown Occupants In Care of  
Juan M. Searcy, Beatriz S. Searcy  
333 Franciscan Avenue  
Stockton, CA 95210

Beatriz S. Searcy  
333 Franciscan Avenue  
Stockton, CA 95210

Richard L. Angtognini  
Law Offices of Richard L. Angtognini  
819 I Street  
Lincoln, CA 95648-1742

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.

Date: February 11, 2010

JASON W. SHORT, SBN 263667

(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

7. **Memorandum of costs (required if money judgment requested).** Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

a. Clerk's filing fees .....	\$ 0.00
b. Process server's fees .....	\$ 0.00
c. Other (specify): .....	\$ 0.00
d. .....	\$ 0.00
e. <b>TOTAL</b> .....	<u>\$ 0.00</u>

f.  Costs and disbursements are waived.

g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

8.  **Declaration of nonmilitary status (required for a judgment).** No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 11, 2010

JASON W. SHORT, SBN 263667

(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

William L. Partridge  
PITE DUNCAN, LLP  
4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934  
SAN DIEGO, CA 92177

SBN: 2601

FOR COURT USE ONLY

Exh 1

TELEPHONE NO.: (858) 750-7600

FAX NO. (Optional): (619) 590-1385

E-MAIL ADDRESS (Optional):  
ATTORNEY FOR (Name): Plaintiff -

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS:

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

ROSA JUNIOR, JR. CLERK

Deputy

PLAINTIFF/PETITIONER: FEDERAL HOME LOAN

CASE NUMBER:

DEFENDANT/RESPONDENT: SEARCY

39-2009-00227956-CL-UD-STK

## PROOF OF SERVICE OF SUMMONS

Ref. No. or File No.:  
000028-002518

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.  
2. I served copies of:

- a.  summons
- b.  complaint
- c.  Alternative Dispute Resolution (ADR) package
- d.  Civil Case Cover Sheet (*served in complex cases only*)
- e.  cross-complaint
- f.  other (*specify documents*): CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

3. a. Party served (*specify name of party as shown on documents served*):

ALL UNKNOWN OCCUPANTS IN CARE OF NAMED DEFENDANT(S), JUAN M. SEARCY, BEATRIZ S. SEARCY

b.  Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (*specify name and relationship of party named in item 3a*):

4. Address where the party was served: 333 FRANCISCAN AVENUE  
STOCKTON, CA 95210

5. I served the party (*check proper box*)

a.  by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):

b.  by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (*name and title or relationship to person indicated in item 3b*):

- (1)  (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2)  (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3)  (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or  a declaration of mailing is attached.
- (5)  I attach a declaration of diligence stating actions taken first to attempt personal service.

ORIGINAL



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

William L. Partridge  
PITE DUNCAN, LLP  
4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934  
SAN DIEGO, CA 92177  
TELEPHONE NO.: (858) 750-7600  
E-MAIL ADDRESS (Optional):  
ATTORNEY FOR (Name): Plaintiff -

SBN: 2601

FAX NO.: (619) 590-1385

FOR COURT USE ONLY

Exh 1

FILED

10 FEB 19 PM 2:08

ROSA JUAN, CLERK  
BY DEPUTY

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS:

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

PLAINTIFF/PETITIONER: **FEDERAL HOME LOAN**

DEFENDANT/RESPONDENT: **SEARCY**

**PROOF OF SERVICE BY MAIL**

CASE NUMBER:  
39-2009-00227956-CL-UD-STK

I am a citizen of the United States and employed in the County of MERCED, State of California. I am over the age of 18 and not a party to this action. My business address is 3500 Fifth Ave., San Diego, CA 92103.

On October 21, 2009, I caused copies of the following documents to be mailed via first class mail, per CCP 415.46.

**CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION**

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at SAN DIEGO, California, addressed as follows:

ALL UNKNOWN OCCUPANTS IN CARE OF NAMED DEFENDANT(S), JUAN M. SEARCY, BEATRIZ S. SEARCY  
333 FRANCISCAN AVENUE  
STOCKTON, CA 95210

I am readily familiar with the firm's practice for collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

Fee for Service: 57.50

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on October 21, 2009.

Signature: \_\_\_\_\_  
RICH MERICLE

ORIGINAL

**PROOF OF SERVICE BY MAIL**

000023  
Order#: 262518U3/GProof5u

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
WILLIAM L. PARTRIDGE, SBN 260166 JASON W. SHORT, SBN 263667 PITE DUNCAN, LLP 4375 Jutland Drive, Suite 200 P.O. Box 17934, San Diego, CA 92177-0934  TELEPHONE NO.: (858) 750-7600 FAX NO. (Optional): (619) 590-1385 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): Federal Home Loan		FILED 10 FEB -9 PM 1:55 ROSA J. JUAREZ, CLERK <i>Rejis Martinez</i> DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN		
STREET ADDRESS: 222 East Weber Avenue MAILING ADDRESS: Stockton, CA 95202-2709 CITY AND ZIP CODE:		
BRANCH NAME: County of San Joaquin - Stockton Branch		
PLAINTIFF/PETITIONER: Federal Home Loan		
DEFENDANT/RESPONDENT: Juan M. Searcy, Beatriz S. Searcy, et al.		
REQUEST FOR (Application) <input checked="" type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment <input type="checkbox"/> Court Judgment		CASE NUMBER: 39-2009-00227956-CL-UD-STK

## 1. TO THE CLERK: On the complaint or cross-complaint filed

a. on (date): October 16, 2009  
 b. by (name): Federal Home Loan Mortgage Corporation, its successors and/or assigns

c.  Enter default of defendant (names): All Unknown Occupants In Care of Juan M. Searcy, Beatriz S. Searcy

d.  I request a court judgment under code of Civil Procedure sections 585(b), 585 (c), 989, etc., against defendant (names):

*(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)*

e.  Enter clerk's judgment

(1)  for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)

Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.

(2)  under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., §585.5 on the reverse (item 5).)

(3)  for default previously entered on (date):

## 2. Judgment to be entered.

	Amount	Credits acknowledged	Balance
a. Demand of complaint .....	\$ 0.00	\$ 0.00	\$ 0.00
b. Statement of damages *			
(1) Special .....	\$ 0.00	\$ 0.00	\$ 0.00
(2) General.....	\$ 0.00	\$ 0.00	\$ 0.00
c. Interest.....	\$ 0.00	\$ 0.00	\$ 0.00
d. Costs (see reverse) .....	\$ 0.00	\$ 0.00	\$ 0.00
e. Attorney fees .....	\$ 0.00	\$ 0.00	\$ 0.00
f. TOTALS.....	\$ 0.00	\$ 0.00	\$ 0.00

g. Daily damages were demanded in complaint at the rate of: \$ 30.00

per day beginning (date): October 13, 2009

(\* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

3.  (Check if filed in an unlawful detainer case) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).

Date: February 4, 2010

JASON W. SHORT, SBN 263667  
 (TYPE OR PRINT NAME)

*JWS*  
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(1)  Default entered as requested on (date):

(2)  Default NOT entered as requested (state reason):

FOR COURT  
USE ONLY

Include in the judgement under  
all tenants, subtenants, etc.

ROSA J. JUAREZ

Clerk, by

*Rosa Juarez*

PLAINTIFF:	Federal Home Loan	CASE NUMBER: 39-2009-00227956-CL-UD-STK
DEFENDANT:	Juan M. Searcy, Beatriz S. Searcy, et al.	

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant  did  did not for compensation give advice or assistance with this form. (If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state)

a. Assistant's name:  
b. Street address, city, and zip code:  
c. Telephone no.:  
d. County of registration:  
e. Registration no.:  
f. Expires on (date):

5.  **Declaration under Code of Civil Procedure Section 585.5 (required for entry of default under Code Civ. Proc., §585(a)).**  
This action

a.  is  is not on a contract or installment sale for goods and services subject to Civ. Code, § 1801 et seq. (Unruh Act).  
b.  is  is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).  
c.  is  is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

a.  not mailed to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names):  
b.  mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:

(1) Mailed on (date): February 4, 2010

(2) To (specify names and address shown on the envelopes):

Juan M. Searcy  
333 Franciscan Avenue  
Stockton, CA 95210

All Unknown Occupants In Care of  
Juan M. Searcy, Beatriz S. Searcy  
333 Franciscan Avenue  
Stockton, CA 95210

Beatriz S. Searcy  
333 Franciscan Avenue  
Stockton, CA 95210

Richard L. Angtognini  
Law Offices of Richard L. Angtognini  
819 I Street  
Lincoln, CA 95648-1742

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.

Date: February 4, 2010

JASON W. SHORT, SBN 263667

(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

7. **Memorandum of costs (required if money judgment requested).** Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

a. Clerk's filing fees ..... \$ 0.00  
b. Process server's fees ..... \$ 0.00  
c. Other (specify): ..... \$ 0.00  
d. ..... \$ 0.00  
e. **TOTAL** ..... \$ 0.00

f.  Costs and disbursements are waived.

g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

8.  **Declaration of nonmilitary status (required for a judgment).** No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 4, 2010

JASON W. SHORT, SBN 263667

(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State #, number, and address)

SBN: 2601

FOR COURT USE ONLY

Exh 1

William L. Partridge  
 PITE DUNCAN, LLP  
 4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934  
 SAN DIEGO, CA 92177  
 TELEPHONE NO. (858) 750-7600  
 E-MAIL ADDRESS (Optional):  
 ATTORNEY FOR (Name): Plaintiff -

FAX NO. (Optional): (619) 590-1385

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS:

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

PLAINTIFF/PETITIONER: FEDERAL HOME LOAN

DEFENDANT/RESPONDENT: SEARCY

## PROOF OF SERVICE OF SUMMONS

86  
 10 FEB - 9 10:41 AM  
 ROSE A. MURRAY CLERK  
 BY DEPUTY

CASE NUMBER:

39-2009-00227956-CL-UD-STK

Ref. No. or File No.:

000028-002518

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a.  summons
- b.  complaint
- c.  Alternative Dispute Resolution (ADR) package
- d.  Civil Case Cover Sheet (served in complex cases only)
- e.  cross-complaint
- f.  other (specify documents): CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

3. a. Party served (specify name of party as shown on documents served):

JUAN M. SEARCY

b.  Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship of party named in item 3a):4. Address where the party was served: 333 FRANCISCAN AVENUE  
STOCKTON, CA 95210

5. I served the party (check proper box)

a.  by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 10/20/2009 (2) at (time): 05:41 pmb.  by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):

- (1)  (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2)  (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3)  (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or  a declaration of mailing is attached.
- (5)  I attach a declaration of diligence stating actions taken first to attempt personal service.

c.  by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.

(1) on (date):

(2) from (city):

(3)  with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)

(4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d.  by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a.  as an individual defendant.

b.  as the person sued under the fictitious name of (specify):

c.  as occupant.

d.  On behalf of (specify):

under the following Code of Civil Procedure section:

416.10 (corporation)  
 416.20 (defunct corporation)  
 416.30 (joint stock company/association)  
 416.40 (association or partnership)  
 416.50 (public entity)

415.95 (business organization, form unknown)  
 416.60 (minor)  
 416.70 (ward or conservatee)  
 416.90 (authorized person)  
 415.46 (occupant)  
 other:

7. Person who served papers

a. Name: SANDRA M. MACIAS

b. Address: 3500 Fifth Ave, San Diego, CA 92103

c. Telephone number: (619) 299-2012

d. The fee for service was: \$ 187.45

e. I am:

(1)  not a registered California process server.  
 (2)  exempt from registration under Business and Professions Code section 22350(b).  
 (3)  registered California process server:  
 (i)  owner  employee  independent contractor.  
 (ii) Registration No.: 118  
 (iii) County: MERCED

8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10/22/2009

Advanced Attorney Services, Inc.

3500 Fifth Ave.

San Diego, CA 92103

(619) 299-2012

**SANDRA M. MACIAS**

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State

, number, and address)

William L. Partridge  
 PITE DUNCAN, LLP  
 4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934  
 SAN DIEGO, CA 92177

SBN: 26016

FOR COURT USE ONLY

Exh 1

FILED

10 FEB -9 PM 1:59

*JB*  
 ROSA J. BROWN, CLERK  
 DEPUTY  
*Juan M. Searcy*

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS:

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

PLAINTIFF/PETITIONER: FEDERAL HOME LOAN

DEFENDANT/RESPONDENT: SEARCY

PROOF OF SERVICE OF SUMMONS

CASE NUMBER:

39-2009-00227956-CL-UD-STK

Ref. No. or File No.:

000028-002518

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a.  summons
- b.  complaint
- c.  Alternative Dispute Resolution (ADR) package
- d.  Civil Case Cover Sheet (served in complex cases only)
- e.  cross-complaint
- f.  other (specify documents): CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

3. a. Party served (specify name of party as shown on documents served):

BEATRIZ S. SEARCY

b.  Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship of party named in item 3a):4. Address where the party was served: 333 FRANCISCAN AVENUE  
STOCKTON, CA 95210

5. I served the party (check proper box)

a.  by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):b.  by substituted service. On (date): 10/20/2009 at (time): 05:41 pm I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):  
JUAN M. SEARCY, CO-TENANT

- (1)  (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2)  (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3)  (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or  a declaration of mailing is attached.
- (5)  I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: FEDERAL HOME LOAN	CASE NUMBER: 39-2009-00227956-CL-UD-STK
DEFENDANT/RESPONDENT: SEARCY	

c.  by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(2) from (city):

(1) on (date):  
(3)  with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)

(4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d.  by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a.  as an individual defendant.

b.  as the person sued under the fictitious name of (specify):

c.  as occupant.

d.  On behalf of (specify):

under the following Code of Civil Procedure section:

<input type="checkbox"/> 416.10 (corporation)	<input type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.20 (defunct corporation)	<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.30 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.90 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant)
	<input type="checkbox"/> other:

7. Person who served papers

a. Name: SANDRA M. MACIAS

b. Address: 3500 Fifth Ave. San Diego, CA 92103

c. Telephone number: (619) 299-2012

d. The fee for service was: \$ 57.50

e. I am:

(1)  not a registered California process server.  
 (2)  exempt from registration under Business and Professions Code section 22350(b).  
 (3)  registered California process server:  
 (i)  owner  employee  independent contractor.  
 (ii) Registration No.: 118  
 (iii) County: MERCED

8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10/22/2009

Advanced Attorney Services, Inc.

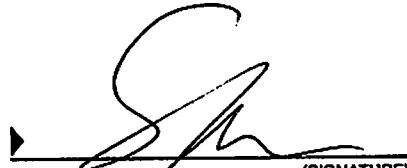
3500 Fifth Ave.

San Diego, CA 92103

(619) 299-2012

SANDRA M. MACIAS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State  
or Corporation Name, and address)

William L. Partridge  
PITE DUNCAN, LLP  
4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934  
SAN DIEGO, CA 92177  
TELEPHONE NO.: (858) 750-7600  
E-MAIL ADDRESS (Optional):  
ATTORNEY FOR (Name): Plaintiff -

SBN: 26016

FAX NO.: (619) 590-1385

FOR COURT USE ONLY

Exh 1

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS:

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

PLAINTIFF/PETITIONER: **FEDERAL HOME LOAN**

DEFENDANT/RESPONDENT: **SEARCY**

**DECLARATION OF DILIGENCE**

CASE NUMBER:  
39-2009-00227956-CL-UD-STK

I received the within assignment for filing and/or service on October 14, 2009 and that after due and diligent effort I have been able to serve said person. The following itemization includes, but is not limited to, the date(s) and time(s) service was attempted on this servee.

Servee: **BEATRIZ S. SEARCY**

Documents: **CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION**

Address: **333 FRANCISCAN AVENUE  
STOCKTON, CA 95210**

As enumerated below:

10/17/2009 -- 07:59 am  
No answer at door.

10/18/2009 -- 05:55 pm  
No answer at door.

10/19/2009 -- 08:25 pm  
No answer at door.

10/20/2009 -- 05:41 pm  
Substituted Service. Recipient instructed to deliver documents to named party.

County: **MERCED**  
Registration No.: **118**  
**Advanced Attorney Services, Inc.**  
**3500 Fifth Ave.**  
**San Diego, CA 92103**  
**(619) 299-2012**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **February 8, 2010** at **San Diego, California**.

Signature: \_\_\_\_\_

**SANDRA M. MACIAS**

**DECLARATION OF DILIGENCE**

**000030**

Order#: 282518U2/DIIFormat.mdi

William L. Partridge  
PITE DUNCAN, LLP  
4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934  
SAN DIEGO, CA 92177  
TELEPHONE NO.: (858) 750-7600  
E-MAIL ADDRESS (Optional):  
ATTORNEY FOR (Name): Plaintiff -

FAX NO.: (619) 590-1385

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS:

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

PLAINTIFF/PETITIONER: FEDERAL HOME LOAN

DEFENDANT/RESPONDENT: SEARCY

PROOF OF SERVICE BY MAIL

CASE NUMBER:  
39-2009-00227956-CL-UD-STK

10 FEB 2010 10:30:00  
ROB  
B  
Alma Martinez  
DEPUTY

I am a citizen of the United States and employed in the County of MERCED, State of California. I am over the age of 18 and not a party to this action. My business address is 3500 Fifth Ave., San Diego, CA 92103.

On October 21, 2009, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

**CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT  
CLAIM OF RIGHT TO POSSESSION**

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at SAN DIEGO, California, addressed as follows:

BEATRIZ S. SEARCY  
333 FRANCISCAN AVENUE  
STOCKTON, CA 95210

I am readily familiar with the firm's practice for collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

Fee for Service: 57.50

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on October 21, 2009.

Signature

RICH MERICLE

PROOF OF SERVICE BY MAIL

000031

Order#: 282518U2/GProof5

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, and address)

SBN: 26016

FOR COURT USE ONLY

Exh 1

William L. Partridge  
PITE DUNCAN, LLP  
4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934  
SAN DIEGO, CA 92177

TELEPHONE NO.: (858) 750-7600  
E-MAIL ADDRESS (Optional):  
ATTORNEY FOR (Name): Plaintiff -

FAX NO. (Optional): (619) 590-1385

FILED

FEB 9 2009 2:00 PM

83  
JUAN M. SEARCY  
CLERK  
DEPUTY  
Helen Martinez

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

STREET ADDRESS: 222 E. WEBER AVE.

MAILING ADDRESS:

CITY AND ZIP CODE: STOCKTON, CA 95202-2709

BRANCH NAME: STOCKTON BRANCH

PLAINTIFF/PETITIONER: FEDERAL HOME LOAN

CASE NUMBER:

DEFENDANT/RESPONDENT: SEARCY

39-2009-00227956-CL-UD-STK

## PROOF OF SERVICE OF SUMMONS

Ref. No. or File No.:

000028-002518

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a.  summons
- b.  complaint
- c.  Alternative Dispute Resolution (ADR) package
- d.  Civil Case Cover Sheet (served in complex cases only)
- e.  cross-complaint
- f.  other (specify documents): CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

3. a. Party served (specify name of party as shown on documents served):

ALL UNKNOWN OCCUPANTS IN CARE OF NAMED DEFENDANT(S), JUAN M. SEARCY, BEATRIZ S. SEARCY

b.  Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship of party named in item 3a):4. Address where the party was served: 333 FRANCISCAN AVENUE  
STOCKTON, CA 95210

5. I served the party (check proper box)

a.  by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):b.  by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):(1)  (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.(2)  (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.(3)  (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.(4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or  a declaration of mailing is attached.(5)  I attach a declaration of diligence stating actions taken first to attempt personal service.

DEFENDANT/RESPONDENT: SEARCY

c.  by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.

(1) on (date):

(2) from (city):

(3)  with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)(4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)d.  by other means (specify means of service and authorizing code section):

**SERVICE MADE PURSUANT TO CCP 415.46 BY DELIVERING THE COPIES TO JUAN M. SEARCY  
COMPETENT MEMBER OF THE HOUSEHOLD ON 10/20/2009 AT 05:41 pm AND BY POSTING AND BY  
FIRST CLASS MAIL FROM SAN DIEGO TO ALL UNKNOWN OCCUPANTS IN CARE OF THE NAMED  
DEFENDANT ON 10/21/2009.**

 Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a.  as an individual defendant.b.  as the person sued under the fictitious name of (specify):c.  as occupant.d.  On behalf of (specify):

under the following Code of Civil Procedure section:

<input type="checkbox"/> 416.10 (corporation)	<input type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.20 (defunct corporation)	<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.30 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.90 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input checked="" type="checkbox"/> 415.46 (occupant)
<input type="checkbox"/> other:	

## 7. Person who served papers

a. Name: SANDRA M. MACIAS

b. Address: 3500 Fifth Ave. San Diego, CA 92103

c. Telephone number: (619) 299-2012

d. The fee for service was: \$ 57.50

e. I am:

(1)  not a registered California process server.  
 (2)  exempt from registration under Business and Professions Code section 22350(b).  
 (3)  registered California process server:  
 (i)  owner  employee  independent contractor.  
 (ii) Registration No.: 118  
 (iii) County: MERCED

8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10/22/2009

Advanced Attorney Services, Inc.  
 3500 Fifth Ave.  
 San Diego, CA 92103  
 (619) 299-2012



**SANDRA M. MACIAS**  
 (NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		SBN: 2601C	FOR COURT USE ONLY
William L. Partridge PITE DUNCAN, LLP 4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934 SAN DIEGO, CA 92177 TELEPHONE NO.: (858) 750-7600 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff		FAX NO.: (619) 590-1385	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN</b> STREET ADDRESS: 222 E. WEBER AVE. MAILING ADDRESS: CITY AND ZIP CODE: STOCKTON, CA 95202-2709 BRANCH NAME: STOCKTON BRANCH			81 FILED 10 FEB -9 11:3:00 ROSA JUAN M. MERCER <i>Rich Mericle</i> DEPUTY
PLAINTIFF/PETITIONER: <b>FEDERAL HOME LOAN</b> DEFENDANT/RESPONDENT: <b>SEARCY</b>			CASE NUMBER: <b>39-2009-00227956-CL-UD-STK</b>
<b>PROOF OF SERVICE BY MAIL</b>			

I am a citizen of the United States and employed in the County of MERCED, State of California. I am over the age of 18 and not a party to this action. My business address is 3500 Fifth Ave., San Diego, CA 92103.

On October 21, 2009, I caused copies of the following documents to be mailed via first class mail, per CCP 415.46.

**CIVIL CASE COVER SHEET; SUMMONS-UNLAWFUL DETAINER; COMPLAINT-UNLAWFUL DETAINER; PREJUDGMENT CLAIM OF RIGHT TO POSSESSION**

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at SAN DIEGO, California, addressed as follows:

ALL UNKNOWN OCCUPANTS IN CARE OF NAMED DEFENDANT(S), JUAN M. SEARCY, BEATRIZ S. SEARCY  
 333 FRANCISCAN AVENUE  
 STOCKTON, CA 95210

I am readily familiar with the firm's practice for collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

Fee for Service: 57.50

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on October 21, 2009.

Signature: 

**RICH MERICLE**

**PROOF OF SERVICE BY MAIL**

Order #: 282518U3/GProof5u  
 000034

1 RICHARD L. ANTOGNINI (SBN 075711)  
 2 **LAW OFFICES OF RICHARD L. ANTOGNINI**  
 3 819 I Street  
 4 Lincoln, California 95648-1742  
 Telephone: (916) 645-7278  
 Facsimile: (916) 290-0539  
 E-Mail: rlalawyer@yahoo.com

FILED

09 OCT 26 PM 2:01 99

ROSA CHULERO CLERK  
  
 BY DEPUTY

6 Attorneys for Defendants  
 7 JUAN M. SEARCY and BEATRIZ S. SEARCY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 9 **COUNTY OF SAN JOAQUIN-STOCKTON BRANCH**

10 FEDERAL HOME LOAN MORTGAGE  
 11 CORPORATION, its successors and/or assigns,

12 Plaintiff,

13 vs.

14 JUAN M. SEARCY, BEATRIZ S. SEARCY,  
 15 and DOES I through X, inclusive,

16 Defendants.

17 Case No.: 39-2009-00227956-CL-UD-STK

18 **ANSWER TO COMPLAINT FOR  
 19 UNLAWFUL DETAINER AND MONEY  
 20 DAMAGES**

21 *\$410.00  
 22 +053.90*

23 Defendants JUAN M. SEARCY and BEATRIZ S. SEARCY (or "defendants") answer  
 24 plaintiff's Complaint as follows:

25 1. Defendants deny the allegations of paragraph 1 of the Complaint.

26 2. Defendants admit the property is located within San Joaquin County. With that  
 27 exception, defendants deny the allegations of paragraph 2 of the Complaint.

28 3. Defendants admit the allegations of paragraph 3 of the Complaint.

4. Defendants deny the allegations of paragraph 4 of the Complaint.

5. Defendants deny the allegations of paragraph 5 of the Complaint.

6. Defendants deny the allegations of paragraph 6 of the Complaint.

7. Defendants deny the allegations of paragraph 7 of the Complaint.

- 1 8. Defendants deny the allegations of paragraph 8 of the Complaint.
- 2 9. Defendants deny denies the allegations of paragraph 9 of the Complaint.
- 3 10. Defendants deny denies the allegations of paragraph 10 of the Complaint.
- 4 11. Defendants deny denies the allegations of paragraph 11 of the Complaint.
- 5 12. Defendants deny that plaintiff is entitled to any of the relief that it seeks in its

6 Prayer for Relief.

7 **FIRST AFFIRMATIVE DEFENSE**

8 13. Plaintiff has failed to state a cause of action.

9 **SECOND AFFIRMATIVE DEFENSE**

10 14. Plaintiff wrongfully foreclosed on the property because it did not comply with the  
11 California foreclosure statutes, specifically, Civil Code section 2923.5. In addition, plaintiff did  
12 not comply with other parts of the foreclosure statutes, Civil Code sections 2923 et seq.

13 **THIRD AFFIRMATIVE DEFENSE**

14 15. Plaintiff's claims are barred by the doctrine of waiver.

15 **FOURTH AFFIRMATIVE DEFENSE**

16 16. Plaintiff is not the owner of the property.

17 **FIFTH AFFIRMATIVE DEFENSE**

18 17. Plaintiff is not entitled to any equitable relief, including an award of possession of  
19 the property, because it acted with unclean hands.

20 **SIXTH AFFIRMATIVE DEFENSE**

21 18. Plaintiff's claims are barred by the doctrine of estoppel.

## **SEVENTH AFFIRMATIVE DEFENSE**

19. Plaintiff's claims are barred because plaintiff, or its predecessor in interest, Wells Fargo Home Mortgage, committed fraud against defendants or made negligent representations.

## **EIGHTH AFFIRMATIVE DEFENSE**

20. Plaintiff's claims are barred because either plaintiff or Wells Fargo Home Mortgage violated federal regulations, including regulations pertaining to the Making Home Affordable Program, by foreclosing on defendants' home.

WHEREFORE, defendants JUAN M. SEARCY and BEATRIZ S. SEARCY ask for judgment as follows:

1. That Plaintiff's Complaint be dismissed with prejudice as against them;
2. That they retain possession and ownership of the property located at 333 Franciscan Avenue, Stockton, California;
3. That they be awarded their reasonable attorney's fees in defending this action;
4. That they be awarded their costs in this action;
5. For such other relief as the Court deems proper.

Dated: October 26, 2009

LAW OFFICES OF RICHARD L. ANTOGNINI

By:

---

Richard L. Antognini  
Attorneys for Defendants  
JUAN M. SEARCY and BEATRIZ S. SEARCY

1 Federal Home Loan Mortgage Corp. v. Searcy  
 2 Case No. 39-2009-00227956-CL-UD-STK

FILED

09 OCT 26 PM 2:01

ROSA JUNQUEIRA, CLERK  


3 **PROOF OF SERVICE**  
 4 [CCP Section 1013(a); 2015.5]

5 I am a resident of the United States and the State of California. I am employed in the  
 6 County of Placer. I am over the age of 18 and not a party to the within action; my business  
 7 address is 819 I Street, Lincoln, California 95648.

8 On October 26, 2009, I served the documents listed below on interested parties in this  
 9 action by placing a true copy in a sealed envelope addressed as follows:

10 Jason W. Short, Esq. Counsel for Plaintiff  
 11 William L. Partridge, Esq.  
 12 Pite Duncan, LLP  
 13 P.O. Box 17934  
 14 San Diego, CA 92177-0934

15 **X VIA U.S. MAIL**

16 List of Documents Served:

17 **ANSWER TO COMPLAINT FOR UNLAWFUL DETAINER**

18 I deposited such envelope(s) in the mail at Lincoln, California. The envelope was mailed  
 19 with postage fully prepaid. I am familiar with the firm's practice of collection and processing  
 20 correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal  
 21 Service on the same day with postage fully prepaid at Lincoln, California, in the ordinary course  
 22 of business. I am aware that on motion of the party served, service is presumed invalid if  
 23 postage cancellation date or postage meter date is more than one day after date of deposit for  
 24 mailing of affidavit. (CCP §§ 1012, 1013 and 1013(a)).

25 I declare under penalty of perjury under the laws of the State of California that the  
 26 foregoing is true and correct. Executed on October 26, 2009, at Lincoln, California.



27  
 28 Richard L. Antognini

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

Stockton  
 222 E Weber Avenue  
 Stockton, CA 95202

**SHORT TITLE: FEDERAL HOME LOAN MORTGAGE VS. SEARCY**

**NOTICE THAT YOU HAVE BEEN SUED**  
 Limited Civil- Unlawful Detainer

**CASE NUMBER:**  
 39-2009-00227956-CL-UD-STK

A lawsuit has been filed against you by your landlord or the owner of the property where you live. **YOU MAY BE EVICTED AS A RESULT OF THIS LAWSUIT.**

Under the law, a limited number of people can look at the court records about this case for the next 60 days. These include the court index, register of actions, and other court records. You, your lawyer (if you have one), your landlord or property owner, and his or her attorney can view this information. The court file can also be seen by any other person who can

- (1) tell the court clerk the name of one plaintiff (the person suing you) and one defendant (you or any other tenant). That person must also tell the court clerk your address, including the apartment, unit, or space number, or
- (2) tell the court clerk the name of the plaintiff (the person suing you) or a defendant (usually a tenant) in this lawsuit, or the case number and can show proper identification that proves that he or she lives at the address described in the complaint, or
- (3) if the person wanting to view the file gets an order from a judge (this may be done without a court hearing).

**COURT STAFF CANNOT GIVE YOU LEGAL ADVICE. FOR LEGAL ADVICE, YOU MAY CALL:  
 PARA CONSEJO LEGAL EN SU CASO, USTED PUEDE LLAMAR:**

**San Joaquin County Bar Association - (209) 948-4620**

**California Rural Legal Assistance - (209) 946-0605 (Low Income Requirement)**

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

Stockton  
222 E Weber Avenue  
Stockton, CA 95202

SHORT TITLE: FEDERAL HOME LOAN MORTGAGE VS. SEARCY

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:  
39-2009-00227956-CL-UD-STK

I certify that I am not a party to this cause. I certify that a true copy of Notice that you have been sued was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at Stockton, California, on 10/19/2009.

Clerk of the Court, by: Lisa J. Herrera, Deputy

All Occupants  
333 Franciscan Avenue  
Stockton, California 95210

Beatriz S Searcy  
333 Franciscan Avenue  
Stockton, California 95210

Juan M Searcy  
333 Franciscan Avenue  
Stockton, California 95210

CLERK'S CERTIFICATE OF SERVICE BY MAIL

10/14/2009

ADVANCED ATTORNEY SERVICES FAX 619-299-5058

FOR COURT USE ONLY

(SOLO PARA USO DE LA CORTE)

SUPERIOR COURT-STOCKTON

## SUMMONS

## (CITACION JUDICIAL)

## UNLAWFUL DETAINER—EVICTION

## (RETENCIÓN ILÍCITA DE UN INMUEBLE—DE SALOJO)

NOTICE TO DEFENDANT: Juan M. Searcy, Beatriz S. Searcy and Does I  
(AVISO AL DEMANDADO): (through X, Inclusive)

YOU ARE BEING SUED BY THE PLAINTIFF:  
(LO ESTÁ DEMANDANDO, EL DEMANDANTE):

Federal Home Loan Mortgage Corporation, Its Successors and/or Assigns

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que lo entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

1. The name and address of the court is: Superior Court of California  
(El nombre y dirección de la corte es): County of San Joaquin - Stockton Branch  
222 East Weber Avenue  
Stockton, CA 95202-2709

CASE NUMBER:  
(Número del caso):

39-2009-00227956-CL-UD-STK

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

WILLIAM L. PARTRIDGE, SBN 260166 4375 Jutland Drive, Suite 200 (phone): (858) 750-7600  
JASON W. SHORT, SBN 263667 P.O. Box 17934, San Diego, CA 92177 (fax): (619) 590-1385

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400—6415)  did not  did for compensation give advice or assistance with this form. (If plaintiff has received any help or advise for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: (Fecha): OCT 16 2009 Clerk, by: *Rosa Junqueiro* Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (form POS-010).)

[SEAL]



4. NOTICE TO THE PERSON SERVED: You are served

a.  as an individual defendant  
 b.  as the person sued under the fictitious name of (specify): \_\_\_\_\_  
 c.  as an occupant  
 d.  on behalf of (specify): \_\_\_\_\_  
 under:  CCP 416.10 (corporation)  
 CCP 416.20 (defunct corporation)  
 CCP 416.40 (association or partnership)  
 CCP 415.46 (occupant)  CCP 416.60 (minor)  
 CCP 416.70 (conservatee)  
 CCP 416.80 (authorized person)  
 Other (specify): \_\_\_\_\_

5.  by personal delivery on (date): \_\_\_\_\_

VIA FAX

10/14/2009

ADVANCED ATTORNEY SERVICES, FAX 619-209-5058

PLAINTIFF (Name): Federal Home Loan	CASE NUMBER:
DEFENDANT (Name): Juan M. Searcy, Beatriz S. Searcy, et al	

6. **Unlawful detainer assistant (complete if plaintiff has received any help or advise for pay from an unlawful detainer assistant):**

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip:
  
- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date):

1 WILLIAM L. PARTRIDGE, SBN 260166  
 2 JASON W. SHORT, SBN 263667  
 3 Pete Duncan, LLP  
 4 4375 Julian Drive  
 5 Suite 200, P.O. Box 17934  
 6 San Diego, CA 92177-0934  
 7 Telephone: (858) 750-7600  
 8 Facsimile: (619) 590-1385

FILED  
 SUPERIOR COURT-STOCKTON  
 f/s

2009 OCT 16 AM 10:07

ROSA JUNQUEIRO, CLERK

*Rosa Junqueiro*  
 BY *Deputy*

9 Attorneys for Plaintiff FEDERAL HOME LOAN MORTGAGE CORPORATION, its  
 10 successors and/or assigns

VIA FAX  
 # 220 A-93853

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF SAN JOAQUIN - STOCKTON BRANCH

13 FEDERAL HOME LOAN MORTGAGE  
 14 CORPORATION, its successors and/or  
 15 assigns

16 CIVIL ACTION NO. 89-2009-00227956-  
 17 CL UDV-  
 18 STK

19 COMPLAINT FOR UNLAWFUL,  
 20 DETAINER AND MONEY DAMAGES

21 AMOUNT DEMANDED DOES NOT  
 22 EXCEED \$10,000

23 LIMITED CIVIL CASE

24 JUAN M. SEARCY, BEATRIZ S. SEARCY,  
 25 and DOES I through X, inclusive.

26 Defendant(s).

27 Plaintiff, Federal Home Loan Mortgage Corporation, its successors and/or assigns

28 (Plaintiff) alleges:

29 **CAUSE OF ACTION FOR UNLAWFUL DETAINER**

30 **AND MONEY DAMAGES**

31 Plaintiff is entitled to the possession of, and is the owner of record of a parcel of real  
 32 property, hereinafter "property") and the dwelling thereon located at 333 Franciscan Avenue,  
 33 Stockton, CA 95210, more particularly described as follows:

34 LOT 261, AS SHOWN ON THAT CERTAIN MAP ENTITLED, TRACT NO. 851,  
 35 FRANCISCAN PLAZA, UNIT NO. 6 FILED FOR RECORD IN BOOK 18 OF  
 36 MAPS AND PLATS, PAGE 19, SAN JOAQUIN COUNTY RECORDS, EXCEPT  
 37 THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON  
 38 SUBSTANCES BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF  
 39 SAID LAND, WITHOUT THE RIGHT OF SURFACE ENTRY.

10/14/2009

ADVANCED ATTORNEY SERVICES FAX 619-299-5058

11

1 The property is located within the above-referenced Judicial District and County.

2 The true names and capacities, whether individual, corporate, associate or otherwise  
3 of the Defendants named herein as DOES I through X in occupancy are unknown to Plaintiff, who  
4 therefore sues said Defendants by such fictitious names. Plaintiff will amend this Complaint to show  
5 the true names and capacities of such DOE Defendants when they have been ascertained.

6 Defendant(s), and each of them, are currently in possession of and occupying the  
7 property.

8 Plaintiff purchased the property at a Trustee's Sale held on July 30, 2009. Plaintiff's  
9 title has been duly perfected.

10 Plaintiff has duly recorded the Trustee's Deed Upon Sale, a copy of which is attached  
11 hereto as exhibit "1" and incorporated herein as if set forth in full.

12 Defendant(s) were served a 3-Day Written Notice To Vacate on  
13 October 6, 2009. A copy of the written notice is attached hereto as exhibit "2" and incorporated  
14 herein as if set forth in full. Said service was made in compliance with Section 1162 Code of  
15 Civil Procedure.

16 The Defendant(s) failed to comply with the requirements of the 3-Day Written  
17 Notice To Vacate, which expired on October 12, 2009.

18 The Defendant(s) continue in possession of the property unlawfully after  
19 expiration of the Written 3-Day Notice to Vacate without permission of the Plaintiff and under  
20 no right of claim.

21 The reasonable value for the use and occupancy of the property is \$30.00 per day.  
22 Plaintiff seeks damages in that amount from October 13, 2009 and for each day thereafter, until  
23 the date of judgment herein.

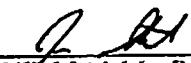
24 Continued possession of the property is willful and malicious and Plaintiff is  
25 entitled to statutory damages of \$600.00 in addition to actual damages pursuant to California  
26 Code of Civil Procedure §1174(b).

27 Plaintiff has performed all the necessary actions and given all the required notices  
28 to bring this Unlawful Detainer action.

1 WHEREFORE, Plaintiff prays for Judgment against Defendant(s) as follows:  
2  
3 For restitution and possession of the property; and  
4 For \$30.00 which represents the unpaid fair rental value per day for use and  
5 occupancy of the property and premises from October 13, 2009 until rendition of Judgment  
6 herein.  
7 Statutory damages of \$600.00; and/or  
8 For such other and further relief as the Court may deem just and proper.

9  
10 Dated: October 14, 2009

11 PITE DUNCAN, LLP  
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30 WILLIAM I. PARTRIDGE, SBN 260166  
31 JASON W. SHORT, SBN 263667  
32 Attorneys for Plaintiff

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VERIFICATION

2 State of California .)  
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JASON W. SHORT am the attorney for Federal Home Loan Mortgage Corporation, its successors and/or assigns, the Plaintiff in this action. Such party is absent from the County where I maintain my office, and I make this verification for and on behalf of that party for that reason. I have read the foregoing Summons and Complaint for Unlawful Detainer and Money Damages and accompanying documents therein and know their contents. I am informed and believe and on that ground allege that matters stated therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed October 14, 2009, at San Diego, California.

PITE DUNCAN, L.L.P

By:   
JASON W. SHORT  
Attorney at Law

VIA FAX

10/14/2009

ADVANCED ATTORNEY SERVICES FAX 619-299-5058

WHEN RECORDED MAIL TO:  
 WELLS FARGO BANK, N.A.  
 3476 STATEVIEW BLVD  
 FORT MILL, SC 29715

Doc #: 2009-121620  
 Tue Aug 18 09:05:30 PDT 2009  
 Page: 1 of 2 Fee: \$11.00  
 Kenneth W Blakemore  
 San Joaquin County Recorders  
 Paid By: TITLE COURT SERVICE

TRA # 003025  
 Trust No. 1201728-10  
 Loan No. XXXXXX6076



Space Above This Line For Recorder

MAIL TAX STATEMENT TO:

Same as above

**RECORDING REQUESTED BY  
 FIRST AMERICAN TITLE COMPANY  
 AS AN ACCOMODATION ONLY**

4043822-15

Documentary Transfer Tax \$0.00

Grantee was the foreclosing beneficiary.  
 consideration \$66,771.90  
 unpaid debt \$288,344.47  
 non exempt amount \$

Computed on the consideration or value of property  
 conveyed.

Computed on the consideration of value less liens or  
 encumbrances remaining at time of sale.

*W. H. Bell*  
 Signature of Declarant or Agent

AP# 079-113-30

VIA FAX

### TRUSTEE'S DEED UPON SALE

CAL-WESTERN RECONVEYANCE CORPORATION (herein called trustee)  
 does hereby grant and convey, but without covenant or warranty, express or implied to  
 FEDERAL HOME LOAN MORTGAGE CORPORATION (herein called Grantee) the real property in the county of SAN  
 JOAQUIN, State of California described as follows:

LOT 261, AS SHOWN ON THAT CERTAIN MAP ENTITLED, TRACT NO. 851, FRANCISCAN PLAZA, UNIT NO. 6  
 FILED FOR RECORD IN BOOK 18 OF MAPS AND PLATS, PAGE 19, SAN JOAQUIN COUNTY RECORDS.  
 EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES BELOW  
 A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND, WITHOUT THE RIGHT OF SURFACE ENTRY.  
 The street address and other common designation, if any, of the real property described above is purported to be:  
 333 FRANCISCAN AVENUE  
 STOCKTON, CA 95210

This conveyance is made pursuant to the authority and powers vested in said Trustee, as Trustee, or Successor Trustee, or  
 Substituted Trustee, under that certain Deed of Trust executed by  
 JUAN M SEARCY A MARRIED PERSON AND BEATRIZ S SEARCY A MARRIED PERSON as Trustor, recorded June  
 29, 2006, as Document No. 2006-140687, in Book XX, page XX, of Official Records in the Office of the Recorder of SAN  
 JOAQUIN County, California; and pursuant to the Notice of Default recorded March 09, 2009, as Document No. 2009-037845  
 in Book XX, page XX of Official Records of said County, Trustee having complied with all applicable statutory requirements of  
 the State of California and performed all duties required by said Deed of Trust, including, among other things, as applicable, the  
 mailing of copies of notices or the publication of a copy of the notice of default or the personal delivery of the copy of the notice of  
 default or the posting of copies of the notice of sale or the publication of a copy thereof.

10/14/2009

ADVANCED ATTORNEY SERVICES FAX 619-299-5058

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TRA # 003025  
 Trust No. 1201728-10  
 Loan No. XXXXXX6076

At the place fixed in the Notice of Trustee's Sale, said Trustee did sell said property above described at public auction on July 30, 2009 to said Grantee, being the highest bidder therefore, for \$66,771.90 cash, lawful money of the United States, in satisfaction pro tanto of the indebtedness then secured by said Deed of Trust.

CAL-WESTERN RECONVEYANCE CORPORATION

Dated: July 30, 2009

C. Archuleta  
C. Archuleta, Assistant Vice President

State of California  
 County of San Diego

On July 30, 2009 before me, Dayane Monroy, a Notary Public in and for said State, personally appeared C. Archuleta, Assistant Vice President, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS: my hand and official seal

(Seal)

Signature

Dayane Monroy



PITE  
DUNCAN  
 LLP

San Diego

Steven W. Pite CA #11164  
 John D. Duncan CA #11164  
 Peter J. Salmon CA #11164  
 David E. McAllister CA #11164  
 AZCA #109101164

Rochelle L. Stanford AZCA #11164  
 Josephine E. Salmon AK #11164  
 Laurel I. Handley AZCA #11164  
 Daniel R. Gomez CA #11164  
 Eddie R. Jimenez CA #11164  
 Susan L. Petit AK #11164  
 Douglas A. Toleno AZCA #11164  
 Cuong M. Nguyen CA #11164  
 Casper J. Rankin CA #11164  
 Charles A. Correia CA #11164  
 Melodie A. Whitson CA #11164  
 Brian A. Palino AZ #11164  
 Christopher M. McDermott CA #11164

Jillian A. Benbow CA #11164  
 Thomas N. Abbott CA #11164  
 Tracy D. Mabry CA #11164  
 Drew A. Callahan CA #11164  
 Natalie T. Nguyen CA #11164  
 Caroline M. Robert CA #11164  
 Geall M. Anderson CA #11164  
 Ellen Cha CA #11164  
 Erin L. Laney CA #11164  
 Angela M. Fontanini CA #11164  
 Jaque A. Gruber CA #11164  
 John B. Acierno CA #11164  
 William L. Partridge CA #11164  
 Christopher L. Peterson CA #11164  
 Katie L. Johnson CA #11164  
 Mich A. Wrosch CA #11164  
 Jason W. Short CA #11164  
 Jason L. Eliasert CA #11164

*Mortgage - Bankruptcy*  
 2375 Bolland Drive, Suite 200  
 P.O. Box 17933  
 San Diego, CA 92177-0933

*Mortgage - Eviction*  
 2375 Bolland Drive, Suite 200  
 P.O. Box 17934  
 San Diego, CA 92177-0934

Ph: (858) 750-7600  
 Fax: (619) 590-1383

Orange County

Kerry W. Frainich CA #11164  
 Elana J. Moeder CA #11164  
 Bryan T. Brown CA #11164  
 Michael J. Fox CA #11164  
 1820 E. First St., Ste. 420  
 Santa Ana, CA 92705  
 Ph: (714) 285-2633  
 Fax: (714) 285-2668

Arizona Office

Charles L. Firestein  
 Phoenix, AZ

Hawaii Office

David B. Rosen  
 Honolulu, HI

Washington Office

Jesse Baker  
 Seattle, WA  
Texas Office  
 Claire A. Mock  
 William P. Weaver, Jr.  
 San Antonio, TX

October 6, 2009

**NOTICE TO QUIT**  
 C.C.P. SECTION 1161a(b)(3)

TO: JUAN M. SEARCY, BEATRIZ S. SEARCY  
 AND ALL OCCUPANTS, TENANTS, OR SUBTENANTS  
 333 FRANCISCAN AVENUE  
 STOCKTON, CA 95210

NOTICE IS HEREBY GIVEN that (i) within three (3) days after service on you of this Notice in the event you are the original owner or a successor owner of the property or (ii) within ninety (90) days after service on you of this Notice in the event you are a tenant or subtenant of the property, and not one of the owners of the property, you are required to quit and deliver up possession of the premises to the undersigned, who is authorized to receive the same. If you fail to deliver possession this office will institute legal proceedings against you to recover possession of said premises and for rents or damages as provided by law, including up to \$600 (six hundred dollars) in addition to the actual damages.

You are required to quit and deliver up possession of the premises as that they were duly sold in accordance with Section 2924 of the Civil Code of the State of California on July 30, 2009 under the power of sale contained in the Deed of Trust encumbering the property. Title to the property has been duly perfected.

This Notice to you is given pursuant to the provisions of Section 1161a(b)(3) and 1161b of the Code of Civil Procedure of the State of California. If you have any questions please contact our office at (858) 750-7600.

DATED: October 6, 2009

By: Arianna Black  
 Arianna Black

**VIA FAX**

10/14/2009

ADVANCED ATTORNEY SERVICES FAX 619-299-5058

FOR COURT USE ONLY

PITE DUNCAN, LLP 4375 JUTLAND DRIVE, SUITE 200 P.O. BOX 17934 SAN DIEGO, CA 92177 TELEPHONE NO.: (858) 750-7600 FAX NO. (Optional): (619) 590-1365 E-MAIL ADDRESS (Optional):				
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: CA BRANCH NAME:				
<b>PLAINTIFF (name each):</b> FEDERAL HOME LOAN MORTGAGE CORPORATION <b>DEFENDANT (name each):</b> JUAN M. SEARCY, BEATRIZ S. SEARCY				
<b>PROOF OF SERVICE</b>	HEARING DATE	DAY	TIME	DEPT
				Ref No. or File No : <b>000028-002518</b>

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED COPIES OF THE:

3/90 Day Notice to Vacate

NAME OF OCCUPANT: JUAN M. SEARCY, BEATRIZ S. SEARCY AND ALL OCCUPANTS, TENANTS OR SUB-TENANTS

PERSON LEFT WITH: BEATRIZ S. SEARCY - CO-TENANT

DATE OF SERVICE: 10/06/2009

TIME OF SERVICE: 05:34 pm

DATE OF MAILING: October 6, 2009

PLACE OF MAILING: MERCED

ADDRESS OF PROPERTY: 333 FRANCISCAN AVENUE  
STOCKTON, CA 95210  
(HOME)

**MANNER OF SERVICE**

Leaving and Mailing: Having attempted to serve the tenant at a residence and a business address, if such address were known; and having determined that the tenant was absent at the time; service was made by leaving a copy with some person of suitable age and discretion at the place shown above and sending a copy through the mail, addressed to the tenant's place of residence or business (if residence was unknown).

**VIA FAX**

Fee for Service: 130.50

County: MERCED

Registration No.: 118

Advanced Attorney Services, Inc.

3500 Fifth Ave.

San Diego, CA 92103

(619) 299-2012

[www.attorneyservice.com](http://www.attorneyservice.com)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 12, 2009.

Signature: \_\_\_\_\_

*Sandra M. Macias*  
**SANDRA M. MACIAS**

**PROOF OF SERVICE**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name) *ADVANCED ATTORNEY SERVICES*

ADVANCED ATTORNEY SERVICES FAX 619-299-5058

FOR COURT USE ONLY 6

WILLIAM L. PARTRIDGE, SBN 260166

JASON W. SHORT, SBN 263667

PITE DUNCAN, LLP

4375 Julian Drive, Suite 200

P.O. Box 17934, San Diego, CA 92177-0934

TELEPHONE NO. (858) 750-7600

FAX NO (Optional) (619) 590-1385

ATTORNEY FOR (Name) Federal Home Loan

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

STREET ADDRESS: 222 East Weber Avenue

MAILING ADDRESS: Stockton, CA 95202-2709

CITY AND ZIP CODE: Stockton, CA 95202-2709

BRANCH NAME: County of San Joaquin - Stockton Branch

CASE NAME: Federal Home Loan vs. Juan M. Searcy

FILED  
SUPERIOR COURT-STOCKTON

2009 OCT 16 AM 10:07

ROSA JUNQUEIRO, CLERK

*Rosa Junqueiro**BY**Signature**5/2009**5/2009*

## CIVIL CASE COVER SHEET

Unlimited  Limited  
 (Amount demanded exceeds \$25,000)  (Amount demanded is \$25,000 or less)

## Complex Case Designation

Counter  Joinder

Filed with first appearance by defendant  
(Cal. Rules of Court, rule 3.402)

CASE NUMBER

51-2009 0027956-CLW-SR

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

Auto (22)  Motor vehicle (14)  
 Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property

Damage/Wrongful Death) Tort

Asbestos (04)

Product liability (24)

Medical malpractice (45)

Other PI/PD/WD (123)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)

Civil rights (08)

Defamation (13)

Fraud (16)

Intellectual property (19)

Professional negligence (25)

Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)

Other employment (15)

Contract

Breach of contract/warranty (06)  
 Rule 3.740 collections (09)  
 Other collections (09)  
 Insurance coverage (18)  
 Other contract (37)

Real Property

Eminent domain/Inverse  
condemnation (14)  
 Wrongful eviction (33)  
 Other real property (26)

Unlawful Detainer

Commercial (31)  
 Residential (32)  
 Drugs (38)

Judicial Review

Asset forfeiture (05)  
 Petition re: arbitration award (11)  
 Writ of mandate (02)  
 Other judicial review (39)

Provisionally Complex Civil Litigation

(Cal. Rules of Court, rules 3.400-3.403)

 Antitrust/Trade regulation (03) Construction defect (10) Mass tort (40) Securities litigation (28) Environmental/Toxic tort (30) Insurance coverage claims arising from the  
above listed provisionally complex case  
types (41)

Enforcement of Judgment

 Enforcement of judgment (20)

Miscellaneous Civil Complaint

 RICO (27) Other complaint (not specified above) (42)

Miscellaneous Civil Petition

 Partnership and corporate governance (21) Other petition (not specified above) (43)2. This case  is  not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:a.  Large number of separately represented partiesd.  Large number of witnessesb.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolvee.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal courtc.  Substantial amount of documentary evidencef.  Substantial postjudgment judicial supervision3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify) 1

5. This case  is  not a class action suit.

6. If there are any known related cases, file and serve a notice of related case (You may use form CM-015.)

Date October 14, 2009

JASON W. SHORT, SBN 263667

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this coversheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any coversheet.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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VIA FAX

Form Adopted for Mandatory Use

Judicial Council of California

CM-010 (Rev. July 1, 2007)

## CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740

Cal. Standards of Judicial Administration, std 3.10

000051